

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KATHY A. HUGHES and)
JOHN R. HUGHES)
)
v.) Civil Action No. 3:13-0608
) Judge Campbell/Knowles
PREFERRED HOME MORTGAGE COMPANY,)
ET AL.)

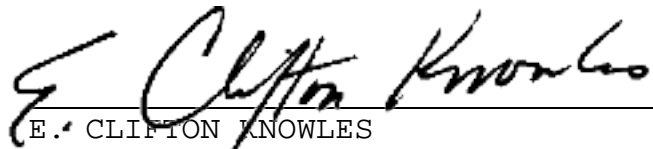
REPORT AND RECOMMENDATION

The undersigned previously entered an Order on September 9, 2013 (Docket Entry No. 21), requiring Plaintiffs to file with the Court a written explanation showing cause for their failure to serve Defendant, BAC Home Loans Servicing, L.P., within 120 days after the filing of the Complaint pursuant to Fed.R.Civ.P. 4(m). The Order required Plaintiffs to file such explanation within twenty (20) days of the date of entry of the Order, and it also stated in pertinent part, "If Plaintiff fails to comply with the provisions of this Order, the undersigned will recommend that this action be dismissed without prejudice."

As of the date of the filing of this Report and Recommendation, Plaintiffs have failed to comply with the Court's previous Order. Therefore, the undersigned recommends that this action be dismissed without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this

Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. See *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. CLIFTON KNOWLES
United States Magistrate Judge